UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

IN RE:	§	
KELLY DAWN NELSON,	8	CASE NO. 09-12290-CAG
Debtor	8 8	CHAPTER 7
JOHN PATRICK LOWE, TRUSTEE, Plaintiff	. % & &	
v.	9 9 8	ADV. PRO. NO. 09-1175-G
JACK R. RANDALL and APRYL RANDALL, Defendants	§ §	

MOTION TO DISMISS COMPLAIN TO AVOID AND RECOVER A CONSTRUCTIVELY FRAUDULENT TRANSFER OF AN INTEREST IN REAL PROPERTY AND A PREFERENTIAL TRANSFER

TO THE HONORABLE CRAIG A. GARGOTTA, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW John Patrick Lowe, Trustee in Bankruptcy, Plaintiff in this Adversary Proceeding, makes and files this Motion, and in support thereof respectfully represents to the Court as follows:

I.

Movant is the Trustee in the underlying Chapter 7 case and the Plaintiff in the Adversary Proceeding.

II.

The Court approved a settlement of this Adversary Proceeding and the Defendants have paid the settlement proceeds to the Plaintiff.

The Plaintiff moves the dismissal of the Complaint with prejudice to its refiling, with costs to be paid by the Plaintiff.

etfully submitted,

John/Patrick Lowe, Trustee, Plaintiff State Bar No. 12623700 318 East Nopal Uvalde, Texas 78801 (830) 278-4471 (830) 278-6347 (fax)

Email: johnplowe@sbcglobal.net

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Motion to Dismiss Complaint to Avoid and Recover a Constructively Fraudulent Transfer of Interest in Real Property and a Preferential Transfer, has been mailed to the parties listed below, by first class mail, postage prepaid, on this the day of April 2010:

Attorney for Defendants:

Fred E. Walker Fred E. Walker, P.C. 609 Castle Ridge Road, Ste. 220 Austin, TX 78746

Patrick I owe